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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,892	08/29/2003	Eric Owhadi	B-5223 621219-2	9562
<div>7590 07/25/2007 HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400</div>			<div>EXAMINER TRAN, TUYETLIEN T</div>	
			<div>ART UNIT 2179</div>	<div>PAPER NUMBER</div>
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/652,892	Applicant(s) OWHADI ET AL.	
	Examiner TuyetLien (Lien) T. Tran	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This action is responsive to the following communication: Amendment filed 05/01/07.

This action is made final.

- Claims 1-20 are pending in this application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 15-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 15 recites "a computer readable medium". However, there is no description in the specification to support the above-mentioned limitation. The closest disclosure in the specification is found in Paragraph [0008] where "the application may be stored on a device" is disclosed and in Figure 1 where a PC 10 is demonstrated. This disclosure is not similar in scope to the term "computer readable medium".

Claims 16, 17 are rejected as incorporating the deficiencies of claim 15 upon which it depends.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 15-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 15, a "software element on a computer readable medium" is being recited; however, it appears that the element would reasonably be interpreted by one of ordinary skill in the art as software, per se. A software element being stored on a computer readable medium is still considered software, per se. As such, it is believed that the element of claim 15 is reasonably interpreted as functional descriptive material, per se. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, a machine, manufacture, or a composition of matter.

Claims 16, 17 fail to resolve the deficiencies of claim 15 and therefore are also rejected.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 8-9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bereiter et al (Patent No. 6145096; hereinafter Bereiter).

As to claim 1, Bereiter teaches:

A method of obtaining technical support for a data-processing device (e.g., a method for automated technical support in a computer network having a client machine and at least one

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server, see Abstract), comprising initiating a support session (e.g., step 62 or step 74 in Fig. 5) during which device-specific data is conveyed from the device to a support provider to assist the support provider in responding to a support query (e.g., steps 76-82 in Fig. 5), and polling the support provider for a response to the query, on a repeated and automated basis, until a response becomes available or the support session is terminated (e.g., steps 84 and 86 in Fig. 5).

As to claim 2, Bereiter further teaches wherein the polling is effected by a polling application obtained from the support provider (e.g., see col. 4 lines 45-49 and col. 8 lines 52-55).

As to claim 8, Bereiter further teaches wherein the support session is established (e.g., step 62 or step 74 in Fig. 5) using a web connection (e.g., see Fig. 1) and wherein the polling application (e.g., the program to execute the steps 84 and 86 in Fig. 5) is downloaded from the support provider using an applet (e.g., col. 4 lines 45-49 and col. 8 lines 52-55).

As to claim 9, Bereiter further teaches wherein the applet is operative to download a data harvester to gather the device-specific data (e.g., see col. 2 lines 38-45 and col. 4 lines 45-49).

As to claim 12, Bereiter further teaches wherein the polling (e.g., steps 84 and 86 in Fig. 5) is effected using HTTP (e.g., see col. 4 lines 45-49 and col. 8 lines 52-55).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 10-11, 13-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bereiter in view of Pawlan et al (Pub article 'Signed Applets, Browsers, and File Access' April-1998, pp 1-5; hereinafter Pawlan).

As to claim 13, Bereiter teaches:

A method of providing asynchronous web-based active technical support from a support provider to a user of an electronic device during a support session (e.g., a method for automated technical support in a computer network having a client machine and at least one server, see Abstract), the method comprising receiving device-specific data to assist the support provider in responding to a support query (e.g., steps 76-82 in Fig. 5), dispatching a polling application operative to poll the support provider for a response to the query (e.g., the program to execute the steps 84 and 86 in Fig. 5) and notifying the user that a response has become available (e.g., step 72 in Fig. 5), the polling application being dispatched, from or on behalf of the support provider, in response to an instruction generated using an applet (e.g., col. 4 lines 45-49 and col. 8 lines 52-55).

While Bereiter teaches security must be considered for data gathering (e.g., see col. 8 lines 23-34), Bereiter does not expressly disclose a trusted applet.

In the same field of endeavor of running Java applet to access data from a client machine, Pawlan teaches that for an applet to access local system resources outside the directory from which the applet is launched, the applet must be granted explicit access to those resource (e.g., see Pawlan Para 5 title 'Local File Access').

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of a signed applet as taught by Pawlan to the method of automated technical support in a computer network as taught by Bereiter to create a web-based active technical support that allows a trusted applet to gather and access data from a client machine. The motivation to combine Pawlan's teaching with Bereiter's teaching is to allow system data to be gathered and sent to the technical supporter automatically and still protect local files or system against un-trusted sources.

As to claim 14, Bereiter teaches:

A server-side technical support source comprising a web server to participate in asynchronous messaging with a client-side device (e.g., see Fig. 1), the support source being operative to supply, to the device (e.g., see col. 4 lines 45-49 and col. 8 lines 52-55), a polling application whereby repeated polling of the support source for a response to a support query may be effected (e.g., the program to execute the steps 84 and 86 in Fig. 5), the polling application being supplied to the device using an applet (e.g., col. 4 lines 45-49 and col. 8 lines 52-55).

While Bereiter teaches security must be considered for data gathering (e.g., see col. 8 lines 23-34), Bereiter does not expressly disclose a trusted applet.

In the same field of endeavor of running Java applet to access data from a client machine, Pawlan teaches that for an applet to access local system resources outside the directory from which the applet is launched, the applet must be granted explicit access to those

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resource (e.g., see Pawlan Para 5 title 'Local File Access'). Thus, combining Bereiter and Pawlan would meet the claimed limitations for the same reasons as discussed with claim 13 above.

As to claim 15, Bereiter teaches:

A software element on a computer readable medium for use in the provision of technical support to a user of a data-processing device which (e.g., see Fig. 1), is operative to effect or permit a download of a polling element (e.g., the program to execute the steps 84 and 86 in Fig. 5) whereby a support provider may be polled (e.g., col. 4 lines 45-49 and col. 8 lines 52-55), on a repeated and automated basis, for a response to a support query (e.g., steps 84 and 86 in Fig. 5).

While Bereiter teaches security must be considered for data gathering (e.g., see col. 8 lines 23-34), Bereiter does not expressly disclose a trusted applet and that trust indication is given by a user.

In the same field of endeavor of running Java applet to access data from a client machine, Pawlan teaches that for an applet to access local system resources outside the directory from which the applet is launched, the applet must be granted explicit access to those resource (e.g., see Pawlan Para 5 title 'Local File Access'). Thus, combining Bereiter and Pawlan would meet the claimed limitations for the same reasons as discussed with claim 13 above.

As to claim 18, Bereiter teaches:

A method of obtaining technical support for a data-processing device (e.g., a method for automated technical support in a computer network having a client machine and at least one server, see Abstract), comprising: establishing a support session (e.g., step 62 or step 74 in Fig.

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5) using a web connection during which device-specific data is conveyed from the device to a support provider to assist the support provider in responding to a support query (e.g., steps 76-82 in Fig. 5 and Fig. 1); downloading a polling application (e.g., the program to execute the steps 84 and 86 in Fig. 5) from the support provider using an applet (e.g., col. 4 lines 45-49 and col. 8 lines 52-55) and polling, using the polling application, the support provider for a response to the query, on a repeated and automated basis, until a response becomes available or the support session is terminated (e.g., steps 84 and 86 in Fig. 5).

While Bereiter teaches security must be considered for data gathering (e.g., see col. 8 lines 23-34), Bereiter does not expressly disclose a trusted applet.

In the same field of endeavor of running Java applet to access data from a client machine, Pawlan teaches that for an applet to access local system resources outside the directory from which the applet is launched, the applet must be granted explicit access to those resource (e.g., see Pawlan Para 5 title 'Local File Access'). Thus, combining Bereiter and Pawlan would meet the claimed limitations for the same reasons as discussed with claim 13 above.

As to claim 10, Bereiter teaches the limitation of claim 8 for the same reason as discussed with respect to claim 8 above. Bereiter does not expressly disclose a trusted applet and that trust indication is given by a user. Pawlan teaches for an applet to access local system resources outside the directory from which the applet is launched, the applet must be granted explicit access to those resource (e.g., see Pawlan Para 5 title 'Local File Access'). Thus, combining Bereiter and Pawlan would meet the claimed limitations for the same reasons as discussed with claim 13 above.

As to claim 11, Bereiter and Pawlan teach the limitation of claim 11 for the same reason as discussed with respect to claim 11 above. Pawlan teaches the support provider conveys to the user a trust request, agreement to the request allowing execution of the applet (e.g., see Pawlan Para 5 title 'Local File Access'). Thus, combining Bereiter and Pawlan would meet the claimed limitations for the same reasons as discussed with claim 10 above.

As to claim 16, Bereiter and Pawlan teach the limitation of claim 15 for the same reason as discussed with respect to claim 15 above. Bereiter further teaches the polling element (e.g., the program to execute the steps 84 and 86 in Fig. 5) being transmissible from the support provider using HTTP (e.g., see col. 4 lines 13-23 and col. 8 lines 52-55).

As to claim 17, Bereiter and Pawlan teach the limitation of claim 16 for the same reason as discussed with respect to claim 16 above. Bereiter and Pawlan do not teach that the polling element has a footprint of no more than about 50 KB. However, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have created a polling program as taught by Bereiter (e.g., the program to execute the steps 84 and 86 in Fig. 5) that has a data footprint of no more than about 50 KB because the polling program is a simple software component that performs the functions of querying a support provider for a response. The motivation is to allow quick download or transmit through internet connection.

As to claim 20, claim 20 is in the same context as claim 9; therefore it is rejected under similar rationale.

9. **Claims 3-7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bereiter in view of Pawlan further in view Indigo Rose Software Forums (published post**

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'AutoPlay After Restart', posted on Indigo Rose Software Forums on 3/22/2001, page 1; hereinafter Indigo).

As to claims 3, 4 and 19, Bereiter and Pawlan teach the limitation of claims 2 and 18 for the same reason as discussed with respect to claims 2 and 18 above. Bereiter teaches that Java application or applet can be downloaded and installed in a supporting device (e.g., see col. 4 lines 45-49); Bereiter does not expressly disclose that during the support session, the polling application is executed subsequent to each boot or start-up sequence of the device. Pawlan teaches a trusted applet that when granted access to specific resources can modify a local source file in a safely manner (e.g., see Pawlan Para 5 title 'Local File Access'). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have created a trusted applet that when granted access can modify a local device registry key to cause the polling program as taught by Bereiter and Pawlan (see Bereiter e.g., the program to execute the steps 84 and 86 in Fig. 5) to be executed subsequent to each boot of a device by simply putting the path to the polling menu in the RUN ONCE registry key as taught by Indigo (see Indigo e.g., posted reply by Mark). The motivation is to cause the polling program to keep querying the technical supporter for a response until done. The reasons to combine Bereiter and Pawlan is the same as discussed with respect to claim 13 above.

As to claim 5, Bereiter, Pawlan and Indigo teach the limitation of claim 3 for the same reason as discussed with respect to claim 3 above. Indigo further teaches in a Windows O.S. environment, a Run key located in or operatively associated with the registry of the device is used to execute the application, subsequent to each said boot or start-up sequence (see Indigo e.g., posted reply by Mark). Thus, combining Bereiter, Pawlan and Indigo would meet the claimed limitations for the same reason as discussed with respect to claim 3 above.

As to claims 6 and 7, Bereiter, Pawlan and Indigo teach the limitation of claim 5 for the same reason as discussed with respect to claim 5 above. Bereiter further teaches notifying a user that a responses has become available (e.g., see Bereiter step 72 in Fig. 5); Pawlan teaches a trusted applet that when granted access to specific resources can modify a local source file in a safely manner (e.g., see Pawlan Para 5 title 'Local File Access'). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have removed the Run key as well as the polling application from the local device once the support session is over in order to remove unnecessary data from a device and to speed up the device startup process.

Response to Arguments

- Applicant's arguments filed 5/01/07 have been fully considered but they are not persuasive.

Applicant's arguments, with respect to claim 1, that the client of the prior art of Bereiter does not poll the support provider for a response; rather, the support provider keeps polling the client (e.g., see Applicant's Remark page 6, Paragraph 4).

The Examiner respectfully submits that the prior art of Bereiter teaches the limitation "polling the support provider for a response to the query, on a repeated and automated basis, until a response becomes available or the support session is terminated" for the following reasons:

The prior art of Bereiter teaches a method and system for providing automated customer support and service in a distributed computing environment wherein a problem at the remote distributed node is diagnosed using an iterative problem solving session between the remote

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distributed node and the server node; and wherein the iterative problem solving session refers to set of communications back and forth between the node under test and the diagnostic center by which a solution to a technical problem is reached. Bereiter further teaches comprising a plurality of client machines wherein the plurality of client machines interface with a support center and when encounter problems can seek help using conventional browser software in an automated manner, without necessarily connecting to a support engineer via an audio or on-line link (e.g., see col. 4 lines 60-67 through col. 5 lines 1-36). Bereiter further teaches that during the a support session, a data set indicative of a current operating state of the client machine is collected and conveyed from the client machine to the server for analysis and based on the analysis performed at the server node, the data gathering process is repeated at the client machine, iteratively, until a solution for the problem is available (e.g., see col. 2 lines 21-37). Therefore, the examiner concludes that the prior art of Bereiter does teach the limitation of “polling the support provider for a response to the query, on a repeated and automated basis, until a response becomes available or the support session is terminated” and that claim 1 is not allowable over the prior art of Bereiter.

In addition, it is noted that the features upon which applicant relies (i.e., the client polling) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments, with respect to claims 13 and 14, that the client of the prior art of Bereiter does not disclose polling by the client of the support provider (e.g., see Applicant's Remark page 7, Paragraph 4).

The Examiner respectfully disagrees for the same reasons as discussed with respect to the previous response as discussed above.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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T.T
7/16/2007

Lien Tran
Examiner
Art Unit 2179



WEILUN LO
SUPERVISORY PATENT EXAMINER